

REMARKS

By this Amendment, Applicants have cancelled claims 28-35, without prejudice or disclaimer of the subject matter thereof. Applicants have presented new claims 36-51 for examination.

In the Office Action, the Examiner rejected claims 28-31 under 35 U.S.C. § 103(a) as unpatentable over JP 09-77436 A (JP '436) in view of Folkenroth et al. (U.S. Patent No. 3,982,718), and rejected claims 32-34 under 35 U.S.C. § 103(a) as unpatentable over JP '436 in view of Folkenroth et al., and further in view of GB 2280662 A (GB '662). These rejections are rendered moot in view of the cancellation of claims 28-35.

Applicants submit that new claims 36-51 are patentable over the applied references, i.e., JP '436, Folkenroth et al., and GB '662.

For example, claim 36 recites a double-deck elevator that includes "an upper cage and a lower cage for accommodating passengers and vertically movable together in a hoistway provided in a building; and covers for covering a space between the upper cage and the lower cage at a doorside, two lateral sides, and a backside of the space, wherein outer surfaces of said covers and outer surfaces of the upper cage and the lower cage are connected to each other without a difference in level between the surfaces."

None of JP '436, Folkenroth et al., and GB '662 teaches or suggests each and every element of claim 36.

First, JP '436 only teaches the use of a sill covering plate 1 for preventing a falling object from a gap between the car sill of an upper car and a hall sill from reaching

a spot close to the entrance or exit of a lower car. See JP '436, English ABSTRACT and SOLUTION. JP '436 does not teach or suggest at least "covers for covering a space between the upper cage and the lower cage at a doorside, two lateral sides, and a backside of the space; wherein outer surfaces of said covers and outer surfaces of the upper cage and the lower cage are connected to each other without a difference in level between the surfaces," as recited in claim 36.

Second, GB '662 only teaches an elevator having one cab 2. See Fig. 1 of GB '662. GB '662 does not teach or suggest at least an elevator having "an upper cage and a lower cage," as required by claim 36. Therefore, GB '662 also fails to teach or suggest at least "covers for covering a space between the upper cage and the lower cage at a doorside, two lateral sides, and a backside of the space; wherein outer surfaces of said covers and outer surfaces of the upper cage and the lower cage are connected to each other without a difference in level between the surfaces," as recited in claim 36.

In addition, to the extent the Examiner may attempt to combine Folkenroth et al. with JP '436 and/or GB '662 to reject claim 36, as he did in rejecting claims 28-31, Applicants note that it would be improper to combine Folkenroth et al. with JP '436, because Folkenroth et al. is a non-analogous art. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 UPSQ2d 1443, 1445 (Fed. Cir. 1992); M.P.E.P. § 2141.01(a). The present invention is generally directed to double deck elevators, while Folkenroth et al. describes an

operatory chair such as a dental chair. See Folkenroth et al., ABSTRACT. Folkenroth et al. is clearly not "in the field of applicant's endeavor." Moreover, the present invention addresses the problems of quietness and comfortableness in upper and lower cages of double deck elevators. See Specification at 1. In contrast, Folkenroth et al. addresses "undesirable features of lazy tong type linkage arrangements employed in base units adapted to support operatory chairs." Folkenroth et al., col. 2, ll. 49-52. Therefore, Folkenroth et al. is not "reasonably pertinent to the particular problem with which the inventor was concerned." Therefore, Folkenroth et al. is a non-analogous art and cannot be properly relied upon for a rejection of claim 36.

Even assuming, arguendo, that Folkenroth et al. is applicable, Applicants note that Folkenroth et al. only teaches an operatory chair having an upper supporting member to which the seat and back unit of an operatory chair may be attached. See Folkenroth et al., ABSTRACT. Folkenroth et al. at most teaches a cover 102, which "extends entirely around the circumference of the upper supporting plate 10." Folkenroth et al., col. 7, ll. 19-25. However, Folkenroth et al. does not teach or suggest an elevator having "an upper cage and a lower cage," and cover 102 does not cover "a space between the upper cage and the lower cage at a doorside, two lateral sides, and a backside of the space," as required by claim 36. Moreover, Folkenroth et al. also fails to teach or suggest at least "wherein outer surfaces of said covers and outer surfaces of the upper cage and the lower cage are connected to each other without a difference in level between the surfaces," as recited in claim 36.

Therefore, JP '436, GB '662, and Folkenroth et al., taken alone or in combination, fail to teach or suggest at least "covers for covering a space between the upper cage

and the lower cage at a doorside, two lateral sides, and a backside of the space; wherein outer surfaces of said covers and outer surfaces of the upper cage and the lower cage are connected to each other without a difference in level between the surfaces," as recited in claim 36. Claim 36 is thus allowable over JP '436, GB '662, and Folkenroth et al. Claims 37-51 depend from claim 36 and are also allowable at least because of their dependence from an allowable base claim.

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

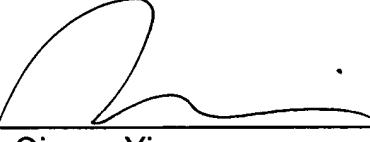
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: June 29, 2005

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